



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 16, 2004

Mr. Paul M. Gonzalez
Lower Colorado River Authority
Legal Services Division
PO Box 220
Austin, Texas 78767-0220

OR2004-9713

Dear Mr. Gonzalez:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 212941.

City Public Service of the City of San Antonio ("CPS") received a request for three categories of information pertaining to the proposed transmission line project known as the Cagnon to Kendall line. You state that CPS has provided the requestor with some of the requested information. Although you state that CPS is not asserting any exceptions to release of the remainder of the information, you notified the Lower Colorado River Authority ("LCRA") of the request and invited that entity to submit arguments to this office for withholding the information at issue. By letter dated September 21, 2004, LCRA informed this office of its determination that "currently existing responsive information requested by [the requestor] should be released." See Gov't Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released). Therefore, as we have no arguments before us for withholding the submitted information, and as we are unaware of any law that would make any portion of the submitted information confidential, you must release the submitted information to the requestor in its entirety.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code

§ 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Pearle". The signature is fluid and cursive, with the first name "Michael" being more prominent.

Michael A. Pearle
Assistant Attorney General
Open Records Division

MAP/jh

Ref: ID# 212941

Enc. Submitted documents

c: Ms. Catherine Webking
Attorney & Counselor at Law
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(w/o enclosures)

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